

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jan Tittel on 01/18/2012.

The application has been amended as follows:

Claim 1 rewrite as follow

A pharmaceutical composition comprising a hydroxyapatite (HA) incorporating a parent alpha-emitting radionuclide selected from the group consisting of ^{211}At , ^{212}Bi , ^{223}Ra , ^{224}Ra , ^{225}Ac , and ^{227}Th or a parent beta-emitting radionuclide ^{212}Pb , ^{211}Pb , ^{213}Bi , or ^{225}Ra , wherein the HA retains at least 70% of the activity attributable to the daughter radionuclide after the decay of the parent radionuclide.

Claim 15 rewrite as follow:

A pharmaceutical composition as claimed in claim 1, wherein the composition comprises a physiologically acceptable carrier.

Claims 12-14 and 24-29 are cancelled.

Reasons for allowance

The following is an examiner's statement of reasons for allowance: The closest prior art found was that which was cited in the previous office action filed on 05/20/2011,

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but fails to specifically disclose or render obvious a stable hydroxyapatite composition wherein the HA retains at least 70% of the activity attributable to the daughter radionuclide after the decay of the parent radionuclide as recited in claim 1. The claimed subject matter is not taught or suggested by the cited reference and thus, the claimed subject matter is considered to be novel and patentably distinct over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGADISHWAR SAMALA whose telephone number is (571)272-9927. The examiner can normally be reached on 8.30 A.M to 5.00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571)272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./
Examiner, Art Unit 1618

/Michael G. Hartley/
Supervisory Patent Examiner, Art Unit 1618